

Senate Bill 532

By: Senators Whitehead, Sr. of the 24th, Williams of the 19th, Goggans of the 7th, Seabaugh of the 28th, Rogers of the 21st and others

AS PASSED

AN ACT

To amend provisions of the Official Code of Georgia Annotated, so as to enhance the protection of nuclear power facilities licensed by the United States Nuclear Regulatory Commission; to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to authorize the use of certain weapons by nuclear security personnel or contract nuclear security personnel operating pursuant to a nuclear security plan approved by the United States Nuclear Regulatory Commission or other authorized federal agency; to prohibit the possession or use of certain weapons on a federally licensed nuclear plant site; to amend Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to arrest of persons, so as to empower such nuclear security personnel to detain and use reasonable force against persons reasonably believed to present a danger to the nuclear plant site; to amend Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, so as to expedite the processing and background checks of persons seeking employment in the field of nuclear security; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide an affirmative defense for such security personnel executing an approved nuclear security plan; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended by striking "and" at the end of paragraph (3), substituting "; and" for the period at the end of paragraph (4), and inserting a new paragraph (5) in Code

Section 16-11-124, relating to exemptions from the prohibition of the possession of certain dangerous firearms and weapons, to read as follows:

"(5) A security officer employed by a federally licensed nuclear power facility or a licensee of such facility, including a contract security officer, who is trained and qualified under a security plan approved by the United States Nuclear Regulatory Commission or other federal agency authorized to regulate nuclear facility security; provided, however, that this exemption shall apply only while such security officer is acting in connection with his or her official duties on the premises of such nuclear power facility or on properties outside the facility property pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility. The exemption under this paragraph does not include the possession of silencers."

SECTION 2.

Said chapter is further amended by inserting a new Code Section 16-11-127.2, immediately following Code Section 16-11-127.1, relating to carrying weapons within school safety zones, to read as follows:

"16-11-127.2.

(a) Except as provided in subsection (c) of this Code section, it shall be unlawful for any person to carry, possess, or have under such person's control while on the premises of a nuclear power facility a firearm or weapon. Any person who violates this subsection shall be guilty of a misdemeanor.

(b) Any person who violates subsection (a) of this Code section with the intent to do bodily harm on the premises of a nuclear power facility shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$10,000, by imprisonment for not less than two nor more than 20 years, or both.

(c) This Code section shall not apply to a security officer authorized to carry dangerous weapons pursuant to Code Section 16-11-124 who is acting in connection with his or her official duties on the premises of a federally licensed nuclear power facility; nor shall this Code section apply to persons designated in paragraph (3), (4), (5), or (9) of subsection (c) of Code Section 16-11-127.1."

SECTION 3.

Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to arrest of persons, is amended by inserting a new subsection (f) in Code Section 17-4-20, relating to the

authorization of arrests with and without warrants, and use of deadly force, to read as follows:

"(f) A nuclear power facility security officer, including a contract security officer, employed by a federally licensed nuclear power facility or licensee thereof for the purpose of securing that facility shall have the authority to:

(1) Threaten or use force against another in defense of a federally licensed nuclear power facility and the persons therein as provided for under Code Sections 16-3-21 and 16-3-23;

(2) Search any person on the premises of the nuclear power facility or the properties adjacent to the facility if the facility is under imminent threat or danger pursuant to a written agreement entered into with the local enforcement agency having jurisdiction over the facility for the purpose of determining if such person possesses unauthorized weapons, explosives, or other similarly prohibited material; provided, however, that if such person objects to any search, he or she shall be detained as provided in paragraph (3) of this subsection or shall be required to immediately vacate the premises. Any person refusing to submit to a search and refusing to vacate the premises of a facility upon the request of a security officer as provided for in this Code section shall be guilty of a misdemeanor; and

(3) In accordance with a nuclear security plan approved by the United States Nuclear Regulatory Commission or other federal agency authorized to regulate nuclear facility security, detain any person located on the premises of a nuclear power facility or on the properties adjacent thereto if the facility is under imminent threat or danger pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility, where there is reasonable suspicion to believe that such person poses a threat to the security of the nuclear power facility, regardless of whether such prohibited act occurred in the officer's presence. In the event of such detention, the law enforcement agency having jurisdiction over the facility shall be immediately contacted. The detention shall not exceed the amount of time reasonably necessary to allow for law enforcement officers to arrive at the facility."

SECTION 4.

Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation, is amended by inserting a new subsection (d.4) in Code Section 35-3-34, relating to the disclosure and dissemination of criminal records to private persons and businesses, to read as follows:

"(d.4) The center shall place a high priority on inquiries from any nuclear power facility requesting a criminal history and shall respond to such requests as expeditiously as possible, but in no event shall a response be made more than two business days following receipt of the request."

SECTION 5.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, is amended by inserting a new Code Section 51-1-30.4 to read as follows:

"51-1-30.4.

Notwithstanding any other provision of law, an authorized security officer as provided for in Code Section 16-11-124 acting within the scope of his or her official duties on the premises of a federally licensed nuclear power facility or the properties adjacent to the facility pursuant to a written agreement entered into with the local law enforcement agency having jurisdiction over the facility shall be entitled to immunity as provided in Code Section 51-11-9. Such officer and the officer's employer or the owner, operator, or licensee of the facility where the officer is providing security services shall also be immune from liability for the officer's good faith performance of his or her duties at such facility in accordance with a nuclear security plan approved by the United States Nuclear Regulatory Commission or other authorized federal agency."

SECTION 6.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval; provided, however, that Section 5 of this Act shall apply only with respect to causes of action arising on or after the effective date of this Act.

SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.